

REMARKS

Claims 29-52 are pending. Claims 29 and 41 are in independent form.

In the action mailed January 18, 2007, the specification was objected to on several grounds, including not clearly identifying that activities occur "at" a reference numeral in the FIGS., a failure to associate the letter "n" with the reference to "user 112" in para. [0017], a misspelling of "batch" in para. [0042], and the inclusion of paragraph numbering that is not associated with text. Further, upon review of the specification, applicant has noticed that the first sentence in para. [0033] improperly refers to the "breadth of a query" rather than the "popularity of a result," in accordance with the remainder of para. [0033].

These and other changes are set forth in the enclosed substitute specification, which is submitted under the provisions of 37 C.F.R. §1.125(b), (c) in "marked-up" and "clean" versions. The substitute specification does not include new matter. Accordingly, Applicant requests that the objections to the specification be withdrawn.

In the action mailed January 18, 2007, claims 1-28 were objected to and rejected on various grounds. However, claims 1-28 have been canceled rendering the objections and rejections moot. Nevertheless, to advance prosecution, applicant will now address the relevant references and issues raised in the objections and rejections.

NEW CLAIMS 29 and 41

New claim 29 relates to a method that includes estimating a breadth of a search query, identifying user interaction with a first document in a result set that is responsive to the search query, changing a ranking of a popularity of the first document based at least in part on the user interaction with the first document and the breadth of the search query, and making the rank of

the popularity of the first document available for responding to a subsequent search query. The amount of the change in the ranking of the popularity decreases with increased breadth of the search query.

New claim 41 relates to an article that includes one or more machine-readable media storing instructions operable to cause one or more machines to perform operations. The operations are related to activities performed in method claim 29.

Former claims 1-28 were rejected under 35 U.S.C. § 101 as failing to present a useful result to a user or another system. New claims 29 and 41 recite that a rank of the popularity of a first document is made available for responding to a subsequent search query. Hence, a useful result is presented. Further, new claim 41 relates to an article that comprises one or more machine-readable media. Accordingly, applicant submits that claims 29 and 41 relate to a process and an article that are statutory under 35 U.S.C. § 101.

Former claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Publication No. 2002/0049752 to Bowman et al. (hereinafter "Bowman"). The rejection of former claim 1 contends that Bowman described adjusting a ranking measure based at least in part on a query breadth measure.

The basis for this contention is Bowman's description that a "constituent score" can be based on an amount of effort required to select an item in a query result. *See Office action mailed January 18, 2007*, page 8, second paragraph and references cited therein. In particular, Bowman deals with a system for identifying items that are most relevant to a current query based on items selected by users in similar queries. *See, e.g., Bowman*, para. [0017]. To do this, Bowman generates ratings tables in which query terms and items are paired and associated with

ratings scores. *Id.*, para. [0022]. *See also id.*, FIGS. 3, 4, 6 (showing example ratings tables).

Ratings scores are understood to increase when a user selects the associated item after of a query involving a paired query term. *Id.*, para. [0022]. When a subsequent search is conducted, it is the terms with the highest ranking score that are selected for prominent display. *Id.*, FIG. 9; para. [0049].

According to Bowman,

“[i]n some embodiments, the facility may add varying increment values in step 206 depending upon aspects of the current item selection. As one example, some embodiments of the facility make a determination of the amount of effort required by the user to make each selection, and base the increment value added in step 206 on that determination. For example, the selection of a first item that is three times further from the beginning of the query result than is a second item may result in an increment value for the selection of the first item that is three times as large as an increment value for the selection of the second item. Increment values for the selection of items that are reached by traversing additional links may likewise exceed increment values for selections of items that can be displayed without selecting intermediate links.” *Id.*, para. [0023] (emphasis added).

In other words, Bowman increments the rating score for a selected item by a larger amount when the item is further from the beginning of a query result. Such a higher increment thus increases the likelihood that the item will be selected for prominent display.

The rejection of former claim 3 appears to contend that the distance of a item from the beginning of a query result inherently reflects the quantity of results that are responsive to the search query. Although applicant does not agree, please note that even if this were the case, new claim 29 is still patentable over Bowman. In particular, Bowman describes that a higher rating score increment is to be used with increased distance from the beginning of a query result. If this increased distance inherently reflects the quantity of results in the query result, Bowman would use a higher rating score increment with an increased quantity of results.

Please note that this is the exact opposite of what is recited in new claim 29. As discussed above, claim 29 recites that an amount of the change in the ranking of popularity decreases with increased breadth of the search query. In other words, for a query that returned a relatively large number of results, the amount of the change in the ranking of popularity would be lower even though an item could potentially be further from the beginning of a query result.

Applicant therefore submits that claim 29 and its dependencies are patentable over Bowman.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

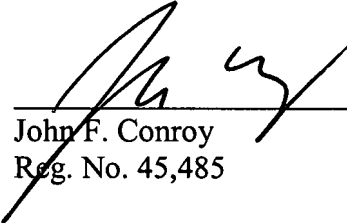
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No fees are believed due at this time. Please apply any charges or credits to deposit
account 06-1050.

Respectfully submitted,

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